

DETAILED ACTION

Applicants have amended claims 1 and 2 in the amendment filed on January 27, 2009. Claims 1, 12, 13, 15-17 and 19 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 2-11 are directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, the claims 2-11 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on April 14, 2006 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

The claims 1-13, 15-17 and 19 are considered allowable.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Sopp on April 2, 2009.

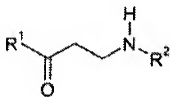
2. The application has been amended as follows:

Insert the phrase "or an acid-addition salt thereof" directly after the structure of formula I and the structure of formula II in claim 2.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The invention relates to a compound having the Formula



wherein all variables are defined in claim 1. The closest prior art is Jackobsen, et al. (See RN 153871-87-5, CAPLUS). The compound having the above Formula is neither taught nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 7:00 AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawquia Young/

Examiner, Art Unit 1626

/Rebecca L Anderson/

Primary Examiner, Art Unit 1626

Application/Control Number: 10/525,820
Art Unit: 1626

Page 5